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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,857	01/21/2005	Joseph Ludovicus Antonius Maria Sormani	NL 020675	1223

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

REHM, ADAM C

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,857

Applicant(s)

SORMANI ET AL.

Examiner

Adam C. Rehm

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/17/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the illumination system utilized in a vehicle headlamp per Claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Examiner is unable to find support in the original disclosure to support the newly added language “unrestricted by a boundary surface” in Claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by CIBIE (US 3,176,124), which discloses an illumination system comprising:

- A reflecting surface having four parabolic-shaped reflector segments arranged around a central optical axis with optical axes that coincide with each other/reflect light according to total internal reflection (21/22/25/27, Fig. 8);
- A segment optical axis parallel to the central optical axis (Fig. 17);
- A light source positioned below/a light-source edge coincides with the central optical axis and that operates over an angle of at most a 180 degree angle, unrestricted by a boundary surface, in a direction facing away from the reflecting surface (Fig. 17); and

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- Wherein each reflector segment is positioned such that the segment optical axis intersects with an edge of the light source (Fig. 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over CIBIE (US 3,176,124) in view of HARBERS ET AL. (US 6,406,172). CIBIE substantially discloses the claimed invention including a light source, but does not disclose a white LED light source. However, HARBERS teaches the use of LEDs that are mixed to substantially emit white light for the purpose of ensuring colored/red LEDs are not mistaken for brake lights (Column 7, Lines 1-10). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CIBIE and use the LEDs as taught by HARBERS in order to provide for safe usage.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over CIBIE (US 3,176,124) in view of CHINNIAH ET AL. (US 6,283,623). CIBIE substantially discloses the claimed invention including a light source, but does not disclose a fiber optic light source and fiber. However, CHINNIAH teaches the use of an optical fiber (18) and light engine (10) for the purpose of providing separate and/or multiple lighting functions (see ABSTRACT). It would have been obvious to one of

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ordinary skill in the art at the time of invention to modify CIBIE and use the optical fiber lighting system as taught by CHINNIAH in order to provide a lighting system with increased versatility.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over CIBIE (US 3,176,124) in view of SALES (US 4,694,382). CIBIE substantially discloses the claimed invention including a light source, but does not disclose a light source used beside a traffic route and provided on poles. Notably, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Further, SALES teaches the use of a light source (20) beside a traffic route (24) and provided on poles (22) in order to provide optimal driving conditions (see BACKGROUND). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CIBIE and use the CIBIE light source as traffic route lighting as taught by SALES.

Response to Amendment

7. The amendment dated 8/17/2006 has been received.
8. The objections to the drawings are withdrawn. However, upon further review, a new objection was discovered.

Response to Arguments

9. Applicant's arguments filed 8/17/2006 have been fully considered but they are not persuasive.

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10. Applicant asserts that CIBIE does not teach a light source that operates over a 180-degree angle in a direction facing away from the reflecting surface. Examiner respectfully submits that the current claim language does not clearly specify the precise path of light from generation by the light source to emission by the illumination system. The current claims disclose a light source that emits light over an angle of not more than 180 degrees. Applicant notes that CIBIE accomplishes this with the aid of screening. Examiner submits that CIBIE is commensurate with the claimed invention.

11. Applicant asserts that the CIBIE light source is not facing away from the reflecting surface, but is instead perpendicular to the central axis. Examiner respectfully submits that the current claim language does not specify that the light source face away from the reflecting surface, but only emit light away from the reflecting surface. The CIBIE light emits light away from the reflecting surface (as illustrated and provided above).

12. Applicant illustrates additional differences between CIBIE and the claimed invention. Examiner acknowledges and appreciates these differences. However, the claimed language does not reflect these differences with adequate specificity.

13. The rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

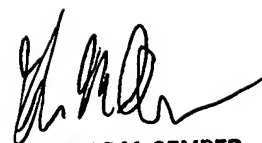
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ACR

11/3/2006

A handwritten signature in black ink, appearing to read 'T. M. Sember', with a long horizontal flourish extending to the right.

THOMAS M. SEMBER
PRIMARY EXAMINER